

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re:  
SUSANN WALLER

§  
§

Case No. 22-30548-H3-13  
(Chapter 13)

**MOTION FOR RELIEF FROM THE STAY AND CO-DEBTOR STAY  
REGARDING EXEMPT PROPERTY**

**THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN AUGUST 2, 2022 AND YOU MUST ATTEND THE HEARING.**

**THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 5 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON AUGUST 9, 2022 AT 10:00 AM IN COURTROOM 401 LOCATED AT 515 RUSK AVENUE, HOUSTON, TEXAS 77002.**

1. This motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that it identified in paragraph 3.
2. Movant: Peritus Portfolio Services, LLC as servicer for Westlake Financial Services
3. Movant, directly or as agent for the holder, holds a security interest in a 2013 Lexus ES, Vehicle Identification No. JTHBK1GG9D2071475 account number ending in 1664 (the "Property")
4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is claimed as exempt by the debtor. Movant does not contest the claimed exemption.
5. Type of collateral (e.g., Home, Manufactured Home, Car, Truck, Motorcycle): Vehicle
6. Debtor's scheduled value of property: \$23,125.00
7. Movant's estimated value of property: \$18,750.00
8. Total amount owed to movant: \$16,460.35
9. Estimated equity (paragraph 7 minus paragraph 8): \$2,289.65
10. Total pre and post-petition arrearages: \$1,878.40
11. Total post-petition arrearages: \$1,878.40
12. Amount of unpaid, past-due property taxes, if applicable: not applicable
13. Expiration date on insurance policy, if applicable: not known
14. X Movant seeks relief based on the debtor(s)' failure to make payments. Debtor(s)' payment history is attached as Exhibit "A". Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a pay history that does not satisfy these representations.
15. \_\_\_\_\_ Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required under the debtor's pre-petition contracts.
- 16: If applicable, name of Co-Debtor: Delsani Waller

17. Based on the foregoing, movant seeks terminating of the automatic stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.

18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by e-mail or by facsimile, by the following person on the following date and time: On July 12, 2022 at 4:14 p.m., I emailed Debtor's attorney. An agreement could not be reached. If requested by debtor or debtor's counsel, a payment history in the form attached to this motion was provided at least two business days before this motion was filed.

Date: July 15, 2022

/s/ Stephen G. Wilcox

Stephen G. Wilcox

State Bar Number 21454300

S.D. Texas Bar Number 20929

WILCOX LAW, PLLC

P.O. Box 201849

Arlington, TX 76006

Telephone: (817) 870-1694

E-mail: swilcox@wilcoxlaw.net

**ATTORNEY FOR PERITUS PORTFOLIO  
SERVICES, LLC AS SERVICER FOR  
WESTLAKE FINANCIAL SERVICES.**

**Certificate of Service and Certificate of Compliance with BLR 4001**

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on July 15, 2022 by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ Stephen G. Wilcox

Stephen G. Wilcox

8202-00454-546684

**EXHIBIT "1"**

Thomas Jones, III  
1770 St James Place, Suite 105  
Houston, TX 77056-3441

Susann Waller  
20306 Knolls Spring Trail  
Katy, TX 77450

Delsani Waller  
20306 Knolls Spring Trail  
Katy, TX 77450

David Peake  
9660 Hillcroft, Suite 430  
Houston, TX 77096-3856

US Trustee  
515 Rusk Ave., Suite 3516  
Houston, TX 77002

Jack O'Boyle & Associates, PLLC  
P.O. Box 815369  
Dallas, TX 75381

Nottingham Country Municipal Utility District  
c/o Owen M. Sonik  
Perdue, Brandon, Fielder, Collins & Mott, L.L.P.  
1235 N. Loop West, Suite 600  
Houston, TX 77008